

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Newport News Division

| | | |
|---------------------------|---|---|
| UNITED STATES OF AMERICA, |) | CRIMINAL NO. 4:23-cr- <u>20</u> |
| |) | |
| v. |) | |
| |) | 18 U.S.C. § 922(a)(1)(A) |
| JOHN MAGOBET, |) | Dealing Firearms without a License |
| |) | (Count 1) |
| |) | |
| Defendant. |) | 18 U.S.C. § 922(a)(5) |
| |) | Sell Firearm to Out-of-State Resident |
| |) | (Counts 2, 3) |
| |) | |
| |) | 18 U.S.C. §§ 922(a)(6), 924(a)(2) and 2 |
| |) | Make a False Statement During Purchase of a |
| |) | Firearm |
| |) | (Counts 4, 5) |
| |) | |
| |) | 18 U.S.C. §§ 924(a)(1)(A) and 2 |
| |) | Make a False Statement with Respect to |
| |) | Information Required To Be Kept By a Licensed |
| |) | Firearms Dealer |
| |) | (Counts 6, 7) |
| |) | |
| |) | 18 U.S.C. § 922(k) |
| |) | Possession of a Firearm with Serial Number |
| |) | Removed, Obliterated, or Altered |
| |) | (Counts 8, 9) |
| |) | |
| |) | 18 U.S.C. § 924(d) |
| |) | Criminal Forfeiture |

INDICTMENT

MARCH 2023 TERM - at Newport News, Virginia

THE GRAND JURY CHARGES THAT:

COUNT ONE

(Dealing Firearms without a License)

From on or about August 25, 2022, through on or about December 2, 2022, in the Eastern District of Virginia, the defendant, JOHN MAGOBET, being an unlicensed importer, manufacturer or dealer, did knowingly engage in the business of importing, manufacturing, or dealing in firearms, to wit: a Glock 23, .40 caliber, semiautomatic handgun, bearing serial number: BWTP476; a Del-Ton Inc. DTI – 15, 5.56 caliber, rifle, defaced; a Anderson Manufacturing AM – 15, multicaliber rifle, defaced; a Glock, Model 17, Gen 5, 9mm, semiautomatic handgun, bearing serial number: BVFY387; a Glock, Model 17, Gen 5, 9mm, semiautomatic handgun, bearing serial number: BWMR393; a Glock, Model 19, Gen 5, 9mm, semiautomatic handgun, bearing serial number: AHAG585, and ammunition, which had been shipped and transported in interstate and foreign commerce.

(In violation of Title 18 United States Code, Sections 922(a)(1)(A)).

COUNT TWO

(Sell Firearms to Out-of-State Resident)

On or about August 25, 2022, in the Eastern District of Virginia, the defendant, JOHN MAGOBET, being an unlicensed importer, manufacturer or dealer, willfully did transfer, sell, trade, give, transport or deliver to an undercover individual known to the defendant as “E”, firearms, to wit: a Glock 23, .40 caliber, semiautomatic handgun, bearing serial number: BWTP476; a Del-Ton Inc. DTI – 15, 5.56 caliber, rifle, defaced; and a Anderson Manufacturing AM – 15, multicaliber rifle, defaced, knowing and having reasonable cause to believe, that “E”, at the time of the transfer, sale, trade, transport, or delivery, did not reside in the Commonwealth of Virginia, the State in which the defendant, JOHN MAGOBET, resided.

(In violation of Title 18 United States Code, Sections 922(a)(5)).

COUNT THREE

(Sell Firearms to Out-of-State Resident)

On or about December 2, 2022, in the Eastern District of Virginia, the defendant, JOHN MAGOBET, being an unlicensed importer, manufacturer or dealer, willfully did transfer, sell, trade, give, transport or deliver to an undercover individual known to the defendant as “E”, firearms, to wit: a Glock, Model 17, Gen 5, 9mm, semiautomatic handgun, bearing serial number: BVFY387; a Glock, Model 17, Gen 5, 9mm, semiautomatic handgun, bearing serial number: BWMR393; and a Glock, Model 19, Gen 5, 9mm, semiautomatic handgun, bearing serial number: AHAG585, knowing and having reasonable cause to believe, that “E”, at the time of the transfer, sale, trade, transport, or delivery, did not reside in the Commonwealth of Virginia, the State in which the defendant, JOHN MAGOBET, resided.

(In violation of Title 18 United States Code, Sections 922(a)(5)).

COUNT FOUR

(Make a False Statement During Purchase of Firearm)

On or about August 25, 2022, in the Eastern District of Virginia, the defendant, JOHN MAGOBET, in connection with the acquisition of firearms, to wit: a Glock 23, .40 caliber, semiautomatic handgun, bearing serial number: BWTP476; a Del-Ton Inc., DTI – 15, 5.56 caliber, rifle, bearing serial number: DTI-S252183; and a Anderson Manufacturing AM – 15, multicaliber rifle, bearing serial number: 22070714, from Superior Pawn and Gun, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to Superior Pawn and Gun, as to a fact material to the lawfulness of such sale of the said firearms to the defendant under Chapter 44 of Title 18, in that the defendant,

JOHN MAGOBET, did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, to the effect that he was the actual buyer of the firearm indicated on the Form 4473, when in fact as he then knew, “E” was the actual buyer of the firearm.

(In violation of Title 18 United States Code, Sections 922(a)(6); 924(a)(2); and 2).

COUNT FIVE

(Make a False Statement During Purchase of Firearm)

On or about December 1, 2022, in the Eastern District of Virginia, the defendant, JOHN MAGOBET, in connection with the acquisition of firearms, to wit: a Glock, Model 17, Gen 5, 9mm, semiautomatic handgun, bearing serial number: BVFY387; a Glock, Model 17, Gen 5, 9mm, semiautomatic handgun, bearing serial number: BWMR393; and a Glock, Model 19, Gen 5, 9mm, semiautomatic handgun, bearing serial number: AHAG585, from Superior Pawn and Gun, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to Superior Pawn and Gun, as to a fact material to the lawfulness of such sale of the said firearms to the defendant under Chapter 44 of Title 18, in that the defendant, JOHN MAGOBET, did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, to the effect that he was the actual buyer of the firearm indicated on the Form 4473, when in fact as he then knew, “E” was the actual buyer of the firearm.

(In violation of Title 18 United States Code, Sections 922(a)(6); 924(a)(2); and 2).

COUNT SIX

(Make a False Statement with Respect to Information Required
To Be Kept By a Licensed Firearms Dealer)

On or about August 25, 2022, in the Eastern District of Virginia, the defendant, JOHN MAGOBET, knowingly made a false statement and representation to Superior Gun and Pawn, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Superior Pawn, in that the defendant, JOHN MAGOBET, did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, to the effect that he had not been an unlawful user of a controlled substance as defined in 21 U.S.C. § 802, whereas in truth and in fact, JOHN MAGOBET had been an unlawful user of a controlled substance as defined in 21 U.S.C. § 802.

(In violation of Title 18 United States Code, Sections 924(a)(1)(A) and 2).

COUNT SEVEN

(Make a False Statement with Respect to Information Required
To Be Kept By a Licensed Firearms Dealer)

On or about December 1, 2022, in the Eastern District of Virginia, the defendant, JOHN MAGOBET, knowingly made a false statement and representation to Superior Gun and Pawn, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Superior Pawn, in that the defendant, JOHN MAGOBET, did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, to the effect that he had not been an unlawful user of a controlled

substance as defined in 21 U.S.C. § 802, whereas in truth and in fact, JOHN MAGOBET had been an unlawful user of a controlled substance as defined in 21 U.S.C. § 802.

(In violation of Title 18 United States Code, Sections 924(a)(1)(A) and 2).

COUNT EIGHT

(Possession of a Firearm with Serial Number Removed, Obliterated, and Altered)

On or about August 25, 2022, in the Eastern District of Virginia, the defendant, JOHN MAGOBET, did knowingly and unlawfully possess a firearm, to wit: a Del-Ton Inc., DTI – 15, 5.56 caliber, rifle, from which the serial number had been removed, obliterated, and altered.

(In violation of Title 18 United States Code, Sections 922(k) and 924(a)(1)(B)).

COUNT NINE

(Possession of a Firearm with Serial Number Removed, Obliterated, and Altered)

On or about August 25, 2022, in the Eastern District of Virginia, the defendant, JOHN MAGOBET, did knowingly and unlawfully possess a firearm, to wit: an Anderson Manufacturing AM – 15, multicaliber rifle, from which the serial number had been removed, obliterated, and altered.

(In violation of Title 18 United States Code, Sections 922(k) and 924(a)(1)(B)).

FORFEITURE

THE GRAND JURY FURTHER FINDS PROBABLE CAUSE THAT:

1. The defendant, if convicted of any of the violations alleged in this indictment, shall forfeit to the United States, as part of the sentencing pursuant to Federal Rule of Criminal Procedure 32.2, any firearm or ammunition involved in or used in the violation.
2. If any property that is subject to forfeiture above is not available, it is the intention of the United States to seek an order forfeiting substitute assets pursuant to Title 21, United States Code, Section 853(p) and Federal Rule of Criminal Procedure 32.2(e).

(In accordance with Title 18, United States Code, Section 924(d)(1); and Title 28, United States Code, Section 2461(c)).

United States v. JOHN MAGOBET
Criminal No. 4:23-cr- 20

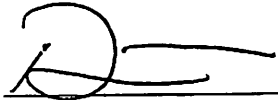
A TRUE BILL:

Pursuant to the E-Government Act,
the original of this page has been filed
under seal in the Clerk's Office.

FOREPERSON

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